

BID OPENING

CITY OF SAN JOSE

OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk

City Clerk

Time Stamp

TOTAL BASE BID 932,344

ALT NO. 1 87,500

ALT NO. 2 31,500

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, February 25, 2010

Project Manager: Mike Pruitt ~ 535.8439

NISICH PARK PROJECT

BIDDER NAME: GUERRA CONSTRUCTION

Bond ☒ Cashier's Check _____

Addendums Included ()

YES ☒ NO _____

Non-Collusion Affidavit

YES ☒ NO _____

NISICH PARK

BID DOCUMENTS

BID OPENING

3:00 P.M.

Thursday, February 25, 2010.

Bidder: Guerra Construction Group

BID DOCUMENTS

PROPOSAL TO CITY OF SAN JOSE

FOR
NISICH PARK

Name of Bidder:

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on 1/29/10, entitled NISICH PARK and the Specifications approved by the Director of Public Works on 1/29/10, entitled NISICH PARK on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

NISICH PARK

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	013000	MOBILIZATION	11000
2.	015000	EROSION CONTROL	\$ 12,000 (Fixed Lump Sum)
3.	015000	EMERGENCY EROSION AND SEDIMENT CONTROL	\$ 15,000 (Fixed Lump Sum)
4.	012000	UTILITY CONFLICT	\$ 61,000 (Fixed Lump Sum)
5.	024100, 028200, 028300, 028416, 311000	DEMOLITION AND SITE PREPARATION	99807
6.	312200	GRADING	39744
7.	320100	OPERATION AND MAINTENACE (30 CALENDAR DAYS)	1255
8.	321200, 321540	FLEXIBLE PAVING	37000
9.	321300, 323200	RIGID PAVING	151493
10.	323113	CHAIN LINK FENCES AND GATES	23447
11.	323119	DECORATIVE METAL FENCES AND GATES	23138
12.	328400	PLANTING IRRIGATION	42630
13.	329100, 329200, 329300	PLANTING PREPARATION AND PLANTS	31975
14.	334000	STORM DRAINAGE UTILITIES	49720
15.	160500-167250	ELECTRICAL (SITE WORK)	29354
16.	101400, 129300, 224713	SITE FURNISHINGS	46100
17.	116813, 321816	PLAY AREA EQUIPMENT AND SURFACING	220431
18.	323200	RETAINING WALLS	37300
		TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 18, INCLUSIVE) FOR THE LUMP SUM TOTAL OF:>>>>>>>>>>	\$932,344
A-1	129300	ADD ALT #1 - TRELLIS	87500
A-2	129300, 321540	ADD ALT #2 – BOCCE COURT	31500

NOTE TO BIDDERS:

The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

NONCOLLUSION AFFIDAVIT

Project Title: **NISICH PARK**

Jaimi Guerra, being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on February 25, 2010

Guerra Construction Group
Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 7991782210

Expiration Date: 6-15-10

State Contractor Lic. No.: 915544

Classification: A & B

Expiration Date: 5-31-10

Federal I. D. No.: 26-2473636

Address: 984 Memorex Dr.

Santa Clara, CA 95050

By: [Signature]

Title: Jaimi S. Guerra

Telephone: (408) 279-2027

NOTARY

On _____ before me, _____, personally appeared
(name and title of officer)

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Notary Public

(Seal)

ACKNOWLEDGMENT

State of California
County of Santa Clara)

On February 25, 2010 before me, Cynthia A. Robles, Notary Public
(insert name and title of the officer)

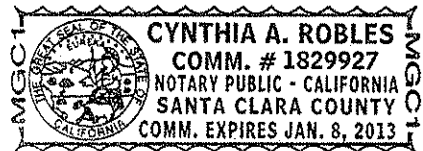
personally appeared Jaime S. Guerra
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Santa Clara Construct	Santa Clara	Subwork
South Bay	San Jose CA	LANDSCAPE
Saint Francis	Redwood City CA	ELECTRICAL
Printex	MT View CA	CONCRETE
Play Equip Install	NA	Fence
Bariteau	San Jose CA	Play equipment Install
Acrylic Surface		Fence
First Serve	Pleasanton CA	Acrylic Surface
Crusader fence	Rancho Car dova CA	Fence
Roberson Industries	chandler AZ	Rubber Surface
37NONFED with Schwarzbach's comments Z con	San Jose CA	Abatement

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. *See attached*

SD attached

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

[illegible]



PROJECT REFERENCES

PROJECT GUNN HS FIELD LIGHTING IMPROVEMENTS
750 ARASTERDERO WAY
PALO ALTO, CA 94306
VALUE: \$872,280

OWNER: PALO ALTO UNIFIED SCHOOL DISTRICT
25 CHURCHILL AVENUE
PALO ALTO, CA 94306
BOB PRICE
650-329-3968

PROJECT BAKER & COUNTRY LANE PORTABLES
MULTI LOCATIONS
SAN JOSE, CA
VALUE: \$314,748

OWNER: MORELAND SCHOOL DISTRICT
4711 CAMPBELL AVENUE
SAN JOSE, CA 95130
408-847-2900

PROJECT GREEN ACRES ELEMENTARY SCHOOL
TIERRA PACIFIC CHARTER SCHOOL
966 BOSTWICK LANE
SANTA CRUZ, CA 95062
VALUE: 847,620

OWNER: LIVE OAK SCHOOL DISTRICT
984-1 BOSTWICK LANE
SANTA CRUZ, CA 95062
RALPH LE ROUX
831-419-0791

PROJECT LOS ALTOS ANNUAL CONCRETE REPAIR
MULTI LOCATIONS
LOS ALTOS, CA
VALUE: \$126,000

OWNER: CITY OF LOS ALTOS
ONE N. SAN ANTONIO RD.
LOS ALTOS, CA
VALUE: \$120,000
TERRI GREINER
650-947-2623

PROJECT	JOHNSON PARK IMPROVEMENTS 200 KIPLING STREET PALO ALTO, CA 94301 VALUE: \$100,000
OWNER:	CITY OF PALO ALTO 250 HAMILTON AVENUE PALO ALTO, CA 94301 KATE ROONEY 650-617-3127
PROJECT	ROBLEDA ROAD PATHWAYS ROBLEDA ROAD LOS ALTOS HILLS, CA VALUE: \$200,000
OWNER:	TOWN OF LOS ALTOS HILLS 26379 FREMONT ROAD LOS ALTOS HILLS, CA 94022 RICHARD CHEN 650-941-7222 x 239
PROJECT	ALLEN SCHOOL - NEW ADA PARKING LOT ALLEN AVENUE SAN JOSE, CA VALUE: \$147,380
OWNER:	SAN JOSE UNIFIED SCHOOL DISTRICT 855 LENZEN AVENUE SAN JOSE, CA 95126
MGMT. FIRM	PAVEMENT ENGINEERING INC. 20260 SKYPARK DRIVE REDDING, CA 96002 TROY SISNEROS 530-224-4535
PROJECT	HOOVER RED TOP-CONCRETE REPLACEMENT FOR ADA EAST CHARLESTON ROAD PALO ALTO, CA VALUE: \$97,420
OWNER:	PALO ALTO UNION SCHOOL DISTRICT 25 CHURCHILL AVENUE PALO ALTO, CA 94306 BOB PRICE 650-329-3968
PROJECT	DISCOVERY SCHOOL- SITEWORK IMPRVEMENTS ANDERSON SCHOOL 4000 RHODA ROAD SAN JOSE, CA 95117 VALUE: \$644,200
OWNER:	CALSTATE CONSTRUCTION, INC.

3680 YALE WAY
FREMONT, CA 94538
ANDY BORREGO
510-657-1800

PROJECT **WILLOW GLEN HIGH SCHOOL/MIDDLE SCHOOL**
SITE IMPROVEMENTS
COTTLE ROAD
SAN JOSE, CA 95136
VALUE: \$176,231

OWNER: **SAN JOSE UNIFIED SCHOOL DISTRICT**
855 LENZEN AVENUE
SAN JOSE, CA 95126

CONST. MGR. **PCM3, INC.**
PEARL AVENUE
SAN JOSE, CA 95136

OWNER: **CITY OF SARATOGA**
ANNUAL CONCRETE
13777 FRUITVALE AVENUE
SARATOGA, CA 95070
VALUE: \$272,000

OWNER: **CITY OF SARATOGA**
RICK TORRES
408-868-1244

INSPECTOR: **JESSE VILLALOBOS**
408-857-9568



GUERRA
CONSTRUCTION GROUP

LIST OF COMPLETED PROJECTS

CLIENT	DESCRIPTION of BIDDER'S WORK	PERIOD OF PERFORMANCE	COST OF BIDDER'S WORK
Cupertino School District Collins Elementary School	Sitework for modular	2007	\$67,100.00
San Mateo School District Stone West Bus Yard	New busyard	2007	\$132,459.00
CalState Construction Chabot College	Demo, paving and underground	2008	\$50,000.00
City of Palo Alto Hoover Park	Renovation of existing park	2008	\$552,798.00
Alum Rock School District Electronic Signs	Installation of signs	2007	\$297,377.00
CalState Construction Huff School	Sitework	2007	\$56,016.00
ASI Challenger School	Sitework and utilities	2007	\$114,548.00
Live Oak School District Tierra Pacifica Charter	Renovations	2008	\$847,620.00
Live Oak School District Green Acres School	Sitework	2007	\$196,127.00
CalState Construction Terrell Elementary School	Sitework for modular	2007	\$74,841.00
CalState Construction Agnews Cemetary	Underground and sitework	2007	\$133,838.00
CalState Construction Starbird Teen Center	Sitework	2007	\$156,700.00
CalState Construction Anderson School	Sitework	2007	\$644,200.00
Palo Alto Unified School Dist. Gunn High School	Stadium and bleacher renovation	2007	\$851,174.00
County of Santa Clara Hellyer Park	Velodrome Improvements	2007	\$544,256.00
Peers Park	Park Improvements	July 2008	\$444,326.00
Pedro Bernal House	Underground improvements	April 2008	\$29,000.00
San Antonio School	Sitework	June 2008	\$292,597.00
Huff Avenue	Sidewalk improvements	April 2008	\$92,687.00
Slonaker Academy	Parking lot improvements	April 2008	\$81,819.00
Burnett Middle School	Sitework	March 2008	\$62,636.00
Moreland School District	Paving at various locations	April 2008	\$266,477.00
Montague School	New parking lot	March 2008	\$192,585.00



Department of Public Works
CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

February 19, 2010

ADDENDUM NO. 1

**FOR THE CONSTRUCTION OF THE
NISICH PARK IMPROVEMENT PROJECT**

Notice is hereby given that the following revisions, additions, and/or deletions are hereby made a part of and incorporated into the plans and specifications for the *Nisich Park Improvement Project*:

GENERAL

BID DATE clarification. The Bid Date for this project is February 25, 2010

INSTRUCTIONS

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with bid documents shall not relieve the bidder of the obligation to include this addendum to the bid proposal.


APPROVED BY:



KATHERINE JENSEN
Division Manager
City Facilities Architectural Services Division
Department of Public Works

Bidder's Name Guerra Construction Group

Signature and Title of Bidder


Jaime Guerra, President

Date

2-19-10

KJ:hr
Addendum 1

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Guerra Construction Group as PRINCIPAL, and International Fidelity Insurance Company, a corporation duly organized under the laws of the State of New Jersey and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of ten percent of the amount bid----- DOLLARS (\$ 10%---).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on February 25, 2010 for NISICH PARK

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 19th
day of February, 2010.


PRINCIPAL

SURETY

Guerra Construction Group
Legal Company Name

International Fidelity Insurance Company
Legal Company Name

Corporation
Indicate Type of Entity

By 
Title: Jaime Guerra
President

By Danijela L. Mosunic
Title: Danijela L. Mosunic
Attorney-In-Fact

By _____
Title: _____

By _____
Title: _____

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

ACKNOWLEDGMENT

State of California
County of Santa Clara)

On February 25, 2010 before me, Cynthia A. Robles, Notary Public
(insert name and title of the officer)

personally appeared Jaime S. Guerra
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

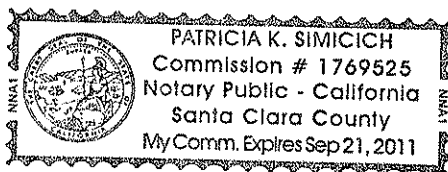
State of California

County of Santa Clara

On February 19, 2010 before me, Patricia K. Simicich, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Danijela L. Mosunic

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

FRANCIS E. COOK, CHARLES M. GRISWOLD, RONALD M. SPENO, DANIJELA L. MOSUNIC

San Jose, CA.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



IN TESTIMONY WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

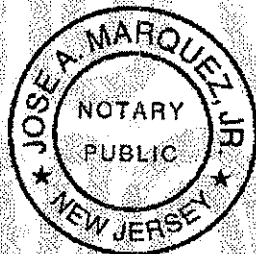
INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

A handwritten signature in cursive script, likely belonging to the Secretary of the company.

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A handwritten signature in cursive script, likely belonging to the Notary Public.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2010

CERTIFICATION

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the **ORIGINALS ON** IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 19th day of February, 2010

A handwritten signature in cursive script, likely belonging to the Assistant Secretary of the company.

Assistant Secretary